

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC., CASE NO. 5:08-CV-03468 JF

Plaintiff,

v.

STUDIVZ LTD.,
HOLTZBRINK NETWORKS GMBH,
HOLTZBRINK VENTURES GMBH and
DOES 1-25,

Defendants.

The above-styled cause came on for hearing on December 16, 2008 at 10:31 a.m. before The Honorable Howard R. Lloyd, United States Magistrate Judge, Courtroom 2, Fifth Floor.

APPEARANCES:

ON BEHALF OF PLAINTIFF:

ORRICK, HERRINGTON & SUTCLIFFE, LLP
By Annette L. Hurst
1000 Marsh Road
Menlo Park, CA 94043

ON BEHALF OF DEFENDANTS:

GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER, LLP
By Stephen S. Smith
1900 Avenue of the Stars
Suite 2100
Los Angeles, CA 90067

1 THE CLERK: Let's see, Facebook and StudiVZ.
2 I probably didn't pronounce that right. Facebook
3 against a bunch of German entities.

4 MS. HURST: Good morning, Your Honor, Annette
5 Hurst from Orrick for plaintiff Facebook.

6 MR. SMITH: Good morning, Your Honor, Stephen
7 Smith, Greenberg Glusker on behalf of StudiVZ,
8 Holtzbrinck Ventures and Holtzbrinck Networks.

9 THE COURT: Hello, counsel. The defendants
10 move for a protective order. They want to stay
11 discovery that's unrelated to personal jurisdiction
12 issues raised in their motions to dismiss until those
13 motions are resolved, and they want to preclude
14 Facebook from using in the German action any discovery
15 obtained in the instant lawsuit. And we'll talk about
16 the first one first.

17 As I understand it, the defendants agree that
18 if, in the course of investigating personal
19 jurisdiction, that discovery would also go to the
20 merits, that that wouldn't be a problem.

21 MR. SMITH: That's correct, Your Honor.

22 THE COURT: Okay. So, your objection is to
23 discovery which is solely, you say, directed at merits
24 at this time?

25 MR. SMITH: That's correct, Your Honor.

1 STATE OF COLORADO)
2) ss. CERTIFICATE
3 COUNTY OF DENVER)
4

5 I, Christopher Boone, Certified Electronic
6 Court Reporter and Notary Public within and for the
7 State of Colorado, certify that the foregoing is a
8 correct transcription from the digital recording of
9 the proceedings in the above-entitled matter.
10

11 I further certify that I am neither counsel
12 for, related to, nor employed by any of the parties
13 to the action in which this hearing was taken, and
14 further that I am not financially or otherwise
15 interested in the outcome of the action.
16

17 In witness whereof, I have affixed my
18 signature and seal this 11th day of January, 2009.
19
20

My commission expires August 16, 2010.

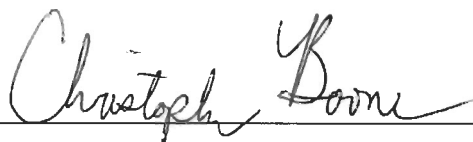
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Christopher Boone,

AAERT Certified Electronic Court Reporter

